



## THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: June 7, 2001 REPORT NO. 01-123

ATTENTION: Committee on Land Use and Housing  
Agenda of June 13, 2001

SUBJECT: Actions Related to Storm Water Pollution and Sedimentation Control  
(Process 5)

### SUMMARY

Issues - Should the Committee on Land Use and Housing (LU&H) recommend that City Council approve the following actions required to implement the California Regional Water Quality Control Board adopted Order No. 2001-01 that regulates sediment and pollution in storm water runoff throughout San Diego County?

- 1) Approve an ordinance amending the Drainage, Grading, and Storm Water Management and Discharge Control Regulations?
- 2) Approve a revision to the grading and subdivision fee schedule?
- 3) Amend the Appropriation Ordinance for FY 2002 to add positions to the Land Development Review Division, Inspection Services Division, Project Management Division, and Information and Application Services Division of the Development Services Department.

Manager's Recommendations - That LU&H recommend that the City Council approve the ordinance amending the Drainage, Grading and Storm Water Management and Discharge Control Regulations; approve the revision to the fee schedule; and amend the Appropriation Ordinance to add positions to the Development Services Department to implement the California Regional Water Quality Control Board adopted Order No. 2001-01 that regulates sediments and pollution in storm water runoff.

Planning Commission Recommendations - On May 17, 2001, the Planning Commission voted unanimously to recommend approval of staff's recommendations. The

Commission did voice their concerns regarding affordable housing and on going maintenance costs of permanent measures to control pollution and sediments.

Code Monitoring Team - On May 9, 2001, the Code Monitoring Team voted to continue this item because the City does not have definitive design guidelines to implement that would control pollution and sediments. Staff is recommending that urban runoff best management practices for the City of Los Angeles be adopted by the City until the City can develop a runoff manual.

Clean Water Task Force - On May 10, 2001, the Clean Water Task Force voted unanimously to recommend conceptual approval of the revised regulations with staff's recommendations to adopt a design manual from another agency.

Environmental Impact - The City of San Diego as Lead Agency under CEQA has prepared and completed the Final Environmental Impact Report (LDR EIR No.96-0333; SCH No.96081056; dated September 12, 1997) covering this current action. This previously certified Final EIR (R-289458; November 18, 1997) has been reviewed and considered prior to approving this current action.

Fiscal Impact - Increases in expenditures of \$922,023.87 in the enterprise fund to cover the additional positions will be offset by commensurate revenue from an hourly billing fee. Additional revenue related to converting the grading and subdivision permit flat fees for projects under \$50,000 in valuation to an hourly billing fee will result in full cost recovery for implementation of the new storm water regulations. Additionally, this action is estimated to increase General Fund revenues by \$210,000 and Enterprise Fund revenues by \$490,000 annually and will make plan check and inspection services for grading and subdivision projects fully cost recoverable.

Housing Affordability Impact - The change in regulations will increase costs for processing, review, and inspection of residential development projects.

Code Enforcement Impact - Enforcement of additional regulations for sediment and pollution control will be provided by staff from the Storm Water Pollution Prevention Program.

## BACKGROUND

On February 21, 2001, the California Regional Water Quality Control Board adopted Order No. 2001-01 that regulates sediments and pollution in storm water runoff throughout San Diego County. This order, referred to as the Municipal Storm Water Permit (Attachment No. 2), is a comprehensive State mandate to improve water quality by minimizing sediments and pollution in storm water runoff. It requires that jurisdictions amend land use policies, adopt new regulations, create new construction standards, and develop cooperative plans with other jurisdictions for

pollution and runoff control. Many of these must be approved and implemented by February 21, 2002.

Since the order was adopted, the City has been working on creating a staff team to fulfill the requirements of the Municipal Storm Water Permit and on starting the specified tasks. Staff is currently working on an amendment to the General Plan (Strategic Framework Plan) to incorporate water pollution and sedimentation control policies. Staff have also begun working with copermittees of the Municipal Storm Water Permit on a draft Standard Urban Storm Water Mitigation Plan (SUSMP). This plan will apply to new public and private development and significant redevelopment and will include standards and procedures designed to minimize storm water runoff of post-construction pollutants. In addition, staff has begun work on design guidelines that will identify the various types of construction and post-construction project design features that will be used to control storm water sedimentation and pollution. It is anticipated that these documents will be brought forward for action by Planning Commission and City Council starting in July 2001.

While these policies, plans, and guidelines are being developed, staff is proposing to amend current regulations in the Land Development Code (LDC) and Municipal Code (MC) to be consistent with the Municipal Storm Water Permit. This will allow staff to begin to immediately review development projects consistent with the permit. It will also allow staff to get additional experience with the design and inspection requirements for pollution and sedimentation control structures and, in turn, help in the development of the plans and guidelines required by the permit.

On May 9, 2001 the Code Monitoring Team for the LDC reviewed proposed revisions to regulations for storm water runoff. While conceptually supporting the changes, they raised concerns about having no runoff control measure design guidelines in place. As a result, they recommended that the Planning Commission continue any action on the ordinances until guidelines could be developed. Staff agrees with the need for guidelines and will be developing local guidelines as part of the SUSMP process later this year. However, as an interim solution, staff proposes that the City adopt by reference, the Reference Guide for Stormwater Best Management Practices, prepared by the Stormwater Management Division, Department of Public Works, City of Los Angeles, dated July 2000 (Attachment No. 3). This manual provides adequate and appropriate construction and post construction runoff control measures that are consistent with the requirements of the Municipal Storm Water Permit. This will allow the City to immediately implement storm water runoff measures while local standards are developed and then brought forward for approval.

On May 10, 2001, the Mayor's Clean Water Task Force reviewed draft storm water runoff regulations. The Task Force recommended conceptual approval of the proposed regulations and agreed that the schedule for approval should remain aggressive in light of the time frames required by the Municipal Storm Water Permit. In addition to the approval, the Task Force directed staff to look at several issues as part of the overall program. These included direction

for staff to look at the long term costs and responsibility for maintenance of runoff control measures; addressing how revised requirements would impact the Strategic Framework Plan Goals and infill development; and including the ability to meet storm water runoff requirements on a broader community scale as opposed to only a site by site basis. Recommendations for these issues will be made as part of the SUSMP development and approval process.

The Planning Commission considered draft regulations on May 17, 2001 and unanimously recommended approval. The Commission expressed strong support of enhanced urban runoff regulations, and agreed with the idea of adopting the interim guidelines prepared by Los Angeles. They also agreed with recommendations of the Clean Water Task Force.

## DISCUSSION

A large emphasis of the Municipal Storm Water Permit is minimizing sediments and pollution from entering receiving waters due to construction activities. To accomplish this, new development projects will be required to show erosion, sedimentation, and pollution control methods that will be part of the project. These methods will be checked and approved as part of project review by the City. Additionally, to assure compliance, projects will be inspected by City engineering and inspection services staff during the construction phase of the project.

Although there are erosion control and water quality regulations already in place in the drainage, landscape, and grading regulations of the LDC and in the storm water regulations of the MC, they do not fully address the Municipal Storm Water Permit requirements for erosion, sedimentation, and water pollution. Per Section F.1.b., F.2.b., and F.2.c. of the Municipal Storm Water Permit, the City is proposing code amendments to the drainage, grading, and storm water regulations to comply (Attachment No. 1). Staffing and fee adjustments to recover the additional costs for processing, reviewing, and inspecting projects for compliance with these requirements are also proposed.

### Code Amendments

Amendments to the following three divisions of the code are proposed to address the Municipal Storm Water Permit requirements.

Chapter 4 Article 3 Division 3 - Storm Water Management and Discharge Control  
Chapter 14 Article 2 Division 1 - Grading Regulations  
Chapter 14 Article 2 Division 2 - Drainage Regulations

The existing Storm Water Management and Discharge Control regulations currently require that existing and new development reduce or prohibit pollutants from entering the City storm drainage system. The majority of these regulations are consistent with the Municipal Storm Water Permit. Minor revisions are necessary to reference the new permit, to coordinate terms and language with the new permit, and to relocate and revise regulations for new development in

the Grading and Drainage Regulations of the Land Development Code. Some additional revisions are proposed since the Planning Commission hearing. These include reorganization of the division into a more logical sequence, clarification of language on owner responsibility for implementation and maintenance of runoff measures, and additional language on enforcement remedies.

The existing Grading Regulations currently require erosion and sedimentation control for development activities. These regulations are also consistent with the Municipal Storm Water Permit. This division will be modified to reference regulations in both Chapter 4, Article 3, Division 3 (Storm Water Management and Discharge Control) and Chapter 14, Article 2, Division 2 (Storm Water Control and Drainage Regulations) to alert and direct design professionals and property owners to the urban runoff control regulations.

The existing Drainage Regulations currently reference the regulations contained in Chapter 4, Article 3, Division 3 (Storm Water Management and Discharge Control) for storm water management regulations. The proposed amendments will incorporate additional regulations for pollution and sedimentation control, consistent with the Municipal Storm Water Permit. These regulations will be applicable to all development. In addition, the title of the division will be changed to Storm Water Control and Drainage Regulations to clarify the type of activities regulated by the division.

Staff believes that these proposed amendments are consistent with the Municipal Storm Water Permit and should be recommended for approval.

#### Staffing and Fee Amendments

Implementation of the Municipal Storm Water Permit involves action by different departments and divisions. Following are the implementation components and the responsible departments.

Plan Processing and Review - Development Services (Land Development Review, Project Management, and Information and Application Services)

Inspection - Engineering and Capital Projects (Engineering Field Inspection) and Development Services (Inspection Services)

Maintenance - Transportation (Street Division, Storm Drain Section)

Compliance and Enforcement - General Services (Storm Water Pollution Prevention)

As part of these proposed changes to the code, staffing increases for plan processing and review and for inspection are proposed within Development Services. Additional staff in both Engineering and Capital Projects and Transportation Departments have been included as part of

the FY 2002 budget process. Costs for the following additional staff in Development Services will be recovered from plan processing, review, and permit accounts.

#### Proposed Development Services Staffing

Position Classification	Development Services Department Division				Total No. Positions
	Land Development Review	Inspection Services	Information and Application Services	Project Management	
Senior Engineer, Civil	1				1
Assistant Engineers, Civil	3				3
Senior Structural Inspector		2			2
Combination Inspector II		2			2
Plan Review Specialist III			2	2	4
Clerical Assistant II			1		1
Total					13

Additional positions beyond these will be required to fully implement all components of the Municipal Storm Water Permit upon approval of the SUSMP and the additional storm water control design guidelines. These positions will be requested as part of the approval process for remaining actions necessary to carry out the permit requirements.

A majority of these additional positions in Development Services will be reimbursable from project deposit accounts. To fully fund all positions necessary to implement the Municipal Storm Water Control Permit, staff proposes to convert the fixed fee schedule for Subdivision Approvals and Grading and Public Right-of-Way Permits to an hourly billing fee. Currently projects below the estimated cost of improvements of \$50,000 are assessed a fixed fee, while a deposit account is required for projects with an estimated improvement cost over \$50,000. This change will improve the cost recovery for services provided to implement the new storm water requirements.

The fixed fee schedule will not change for standard public improvements, such as installation of a driveway or sidewalk, that a homeowner or business owner might typically apply for. Costs to plan check and field inspect these standard improvements would continue to remain a fixed fee.

#### CONCLUSION

Staff recommends that the Committee on Land Use and Housing forward the proposed ordinance to amend the Municipal Code and associated actions to City Council with a recommendation of approval to begin implementation of requirements of the Municipal Storm Water Permit.

ALTERNATIVE(S)

1. Recommend approval of the ordinances with revisions.
2. Recommend denial of the proposed ordinances and associated actions.

Respectfully submitted,

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Tina P. Christiansen, A.I. A.  
Development Services Director

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Approved: George I. Loveland  
Senior Deputy City Manager

Christiansen:CC 557-7979

ATTACHMENTS:

Note: Attachment Nos. 2 and 3 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

1. Proposed Amendments to Chapter 4 Article 3 Division 3 - Storm Water Management and Discharge Control; Chapter 14 Article 2 Division 1 - Grading Regulations; and Chapter 14 Article 2 Division 2 - Drainage Regulations
2. California Regional Water Quality Control Board, San Diego Region, Order No. 2001-01
3. Reference Guide for Stormwater Best Management Practices, Stormwater Management Division, Department of Public Works, City of Los Angeles, Dated July 2000

June 8, 2001

OLD LANGUAGE - STRIKEOUT  
NEW LANGUAGE - REDLINED

(O-2001-139)

STRIKEOUT ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER IV, ARTICLE 3, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 43.0301, 43.0302, 43.0304, AND 43.0305, AND BY AMENDING AND RENUMBERING SECTIONS 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311, AND 43.0313 RELATING TO STORM WATER MANAGEMENT AND DISCHARGE CONTROL.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter IV, Article 3, Division 3, of the San Diego Municipal Code are hereby amended, by amending sections 43.0301, 43.0302, 43.0304, and 43.0305, to read as follows:

**§43.0301 Purpose and Intent**

The purposes of this Division are to further ensure the health, safety and general welfare of the citizens of The City of San Diego by controlling Non-Stormwater ~~Water~~ Discharges to the Stormwater ~~Water~~ Conveyance System; by eliminating discharges to the Stormwater ~~Water~~ Conveyance System from spills, dumping, or disposal of materials other than Stormwater ~~Water~~; and by reducing Pollutants in urban Stormwater ~~Water~~ discharges to the maximum extent practicable.

The intent of this Division is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent



June 8, 2001

with the Federal Water Pollution Control Act (~~(Clean Water Act, 33 U.S.C. section 1251 et seq.)~~) and ~~San Diego Regional Water Quality Control Board Order Number 90-42, which constitutes~~ National Pollutant Discharge Elimination System (~~“[NPDES]”~~) Permit No. CA0108758, as amended.

**§43.0302 Definitions**

For purposes of this Division:

“Basin Plan” - no changes made.

“Best Available Technology [BAT] means best available technology economically achievable. BAT is the technology-based standard established by Congress in Clean Water Act section 402(p)(3)(A) for industrial dischargers of Storm Water. Technology-based standards establish the level of Pollutant reductions that dischargers must achieve, typically by treatment or by a combination of treatment and Best Management Practices.

“Best Conventional Technology” [BCT] means the treatment techniques, process and procedure innovations, and operating methods that eliminate chemical, physical, and biological Pollutants to the degree of reduction attainable through the application of the Best Management Practices to the Maximum Extent Practicable.

“Best Management Practices” [BMP] means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of Pollutants directly or indirectly to waters of the United States. Best Management Practices

also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage.

“California Ocean Plan” - no changes made.

“Employee Training Program” means a documented employee training program which may be required to be implemented by a business pursuant to a Stormwater ~~Water~~ Pollution Prevention Plan for the purpose of educating its employees on methods of reducing discharge of Pollutants to the Stormwater ~~Water~~ Conveyance System.

“Enclosed Bays and Estuaries Plan” - no changes made.

“Enforcement Agency” - no changes made.

“Enforcement Official” - no changes made.

“General Storm Water NPDES Permit” means any NPDES Permit issued by the State Water Resources Control Board in accordance with 40 Code of Federal Regulations section 122.28

“Illegal Connection” means any physical connection to the Stormwater ~~Water~~ Conveyance System which has not been permitted by the City of San Diego or the San Diego Regional Water Quality Control Board.

“Illegal Discharge” means any discharge to the Stormwater ~~Water~~ Conveyance System that is not composed entirely of Stormwater ~~Water~~, or is prohibited by federal, state, or local laws, or degrades the quality of Receiving Waters in violation of any Plan ~~Standard~~ **Water Quality Objective**.

“Inland Surface Water Plan” - no changes made.

**“Maximum Extent Practicable” [MEP] means the technology-based standard established by Congress in Clean Water Act section 402(p)(3)(B)(iii) that municipal dischargers of Storm Water discharges must meet. MEP generally emphasizes pollution prevention and source control BMP primarily in combination with treatment methods serving as a backup.**

“National Pollution Discharge Elimination System [NPDES] Permit” - no changes made.

“Non-Stormwater ~~Water~~ Discharge” means any discharge to the Stormwater ~~Water~~ Conveyance System that is not entirely composed of Stormwater ~~Water~~.

~~“Order 90-42” dated July 16, 1990, means San Diego Regional Water Quality Control Board Order 90-42, which constitutes NPDES Permit No. CA0108758; together with all amendments, on file in the office of the City Clerk as Document No. OO-17988-5.~~

“Plan ~~Standard~~” **Water Quality Objective**” means any or all applicable requirements of the Basin Plan, the Enclosed Bays and Estuaries Plan, the Inland Surface Water Plan, and the California Ocean Plan.

“Pollutant” means solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, industrial waste, **pesticide**, and any organic or inorganic contaminant whose presence degrades the quality of the Receiving Waters in violation of any Plan ~~Standard~~ **Water Quality Objective**. “Pollutant” includes fecal coliform, fecal streptococcus, enterococcus, volatile organic ~~carbon~~ surfactants, oil and grease, petroleum hydrocarbons, total organic ~~carbon~~ lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides. A “~~p~~**P**ollutant” also includes any contaminant which can degrade the quality of the Receiving Waters in violation of any Plan ~~Standard~~ **Water Quality Objectives**. ~~by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.~~

“Premises” - no changes made.

“Receiving Waters” means surface bodies of water ~~as described in Order No. 90-42~~ which serve as discharge points for the Stormwater **Water** Conveyance System, including creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays and the Pacific Ocean.

“Stormwater **Water**” ~~means surface runoff and drainage associated with storm events and snow melt which is free of Pollutants to the maximum extent practicable.~~ **is urban runoff and snow melt runoff consisting only of those**

discharges which originate from precipitation events. Storm Water is that portion of precipitation that flows across a surface to the Storm Water Conveyance System or Receiving Waters.

“Stormwater Water Conveyance System” means those municipal and natural facilities within the City of San Diego by which Stormwater Water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, natural and artificial channels, aqueducts, canyons, stream beds, gullies, curbs, gutters, ditches, natural and artificial channels or storm drains.

“Stormwater Water Pollution Prevention Plan” means a document which describes the ~~Best Management Practices~~ BMP to be implemented by the owner or operator of a business to eliminate or reduce to the ~~maximum extent practicable~~ MEP Pollutant discharges to the Stormwater Water Conveyance System.

**§43.0303 Construction and Application**

No changes in this subsection.

**§43.0304 Discharge of Non-Stormwater Prohibited Discharges**

- (a) Except as provided in Municipal Code section 43.0305, it is unlawful for any person to discharge Non-Stormwater Water to a Stormwater Water Conveyance System.

- (b) It is unlawful for any person to cause either individually or jointly any discharge into or from the Storm Water Conveyance System which results in or contributes to a violation of NPDES Permit No. CA0108758.

**§43.0305 Exemptions from Discharge Prohibition**

The following discharges are exempt from the prohibition set forth in Section 43.0304:

- (a) No changes made in this subsection
- (b) Discharges from the following activities which do not cause or contribute to the violation of any Plan ~~Water Quality Objective-Standard~~ and are not a significant source of pollutants into or from the Storm Water Conveyance System:
  - (1) through (3) - no changes made.
  - (4) ~~uncontaminated~~ pumped ground water not subject to any applicable NPDES Permit,
  - (5) through (7) - no changes made.
  - (8) non-commercial and residential washing of vehicles,
  - (9) through (11) - no changes made.
  - ~~(12) waters not otherwise containing wastes as defined in California Water Code section 13050(d) and California Health and Safety Code section 25117.~~
- (c) Any discharge which the Enforcement Official, the local health officer, or the Regional Water Quality Control Board, or U.S. Environmental

Protection Agency determines in writing are necessary for the protection of the public health and safety.

- (d) Notwithstanding the exemptions provided by San Diego Municipal Code section 43.0305(a) and (b), if the Regional Water Quality Control Board or the Enforcement Official determines that any of these otherwise exempt discharges cause or significantly contribute to violations of any Plan Standard Water Quality Objective, or convey significant quantities of Pollutants to surface waters, or are a danger to public health or safety, are causing a public nuisance, such discharges shall be prohibited from entering the Stormwater Water Conveyance System.

Section 2. That Chapter IV, Article 3, Division 3, of the San Diego Municipal Code is hereby amended by deleting section 43.0306.

~~§43.0306 — Discharge in Violation of Permit Prohibited~~

~~It is unlawful for any person to cause either individually or jointly any discharge to the Stormwater Conveyance System which results in or contributes to a violation of Order 90-42.~~

Section 3. That Chapter IV, Article 3, Division 3, of the San Diego Municipal Code are hereby amended, by renumbering and amending sections 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311, and 43.0313.

**§43.03076 Illegal Connections Prohibited**

It is unlawful for any person to establish, use, or maintain any Illegal Connection to the Stormwater Water Conveyance System. This section expressly supersedes any

City permit or earlier authorization for said discharge, but is subject to the ~~exceptive~~ **exempt** provisions of **San Diego** Municipal Code section 43.0305(a).

**§43.03087 Reduction of Pollutants in Stormwater ~~Water~~**

Any person engaged in activities which may result in Pollutants entering the Stormwater ~~Water~~ Conveyance System shall, to the ~~maximum extent practicable~~ **MEP**, undertake all measures to reduce the risk of Non-Stormwater ~~Water~~ or Pollutant discharges. The following requirements shall apply:

- (a) ~~Business-Related Activities~~ **Best Management Practices Implementation:**  
Every person undertaking any activity or use of a Premises which may cause or contribute to Storm Water pollution or contamination, Illegal Discharges, or Non-Storm Water Discharges shall comply with BMP guidelines or pollution control requirements as may be established by the Enforcement Official. BMP shall be maintained routinely throughout the life of the activity. Such BMP include, but are not limited to, the following:
  - (1) **Controlling Pollutants From Parking Lots:** Any owner or operator of vehicle parking lots that are located in areas potentially exposed to Storm Water shall be required to conduct regular sweepings and other effective measures to control Pollutant runoff.
- (b) ~~Parking Lots and Impervious Surfaces:~~  
~~Persons owning or operating a parking lot or impervious surfaces used for similar purposes shall clean those structures frequently and thoroughly to prevent the discharge of pollutants to the Stormwater Conveyance System to the maximum extent practicable. Sweepings or cleaning residue from~~



~~parking lots or impervious surfaces shall not be swept or otherwise made or allowed to go into any gutter or roadway.~~

- (b) ~~(†)~~ Stormwater **Water** Pollution Prevention Plan: The Enforcement Official may require any business **and other land uses** in the City that **is are** engaged in activities which may result in Pollutant discharges to develop and implement a Stormwater **Water** Pollution Prevention Plan, which must include, **but is not limited to**, an Employee Training Program. ~~Business activities which may require a Stormwater Pollution Prevention Plan include maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures which are carried out partially or wholly out of doors.~~
- (c) Coordination with Hazardous Materials Release Response Plans and Inventory: Any ~~business~~ **activity** subject to the Hazardous Materials Release Response ~~and Inventory~~ Plan, Chapter 6.95 of the California Health and Safety Code, shall include in that Plan provisions for compliance with this Division, including the prohibitions on Non-Stormwater **Water** Discharges and Illegal Discharges, and the requirement to reduce release of Pollutants to the ~~maximum extent practicable~~ **MEP**.
- ~~(c)~~(d) New Development and Redevelopments.

**All new development and redevelopment activities shall comply with Chapter 14, Article 2, Division 1 (Grading Regulations) and Chapter 14, Article 2, Division 2 (Storm Water Runoff Control and Drainage Regulations).**

~~Any person performing construction work in the City of San Diego shall, to the maximum extent practicable, prevent Pollutants from entering the Stormwater Conveyance System by complying with all applicable local ordinances, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of any General Construction NPDES permit issued by the State Water Resources Control Board. The Enforcement Official may establish controls on the volume and rate of Stormwater runoff from new developments and redevelopments as may be reasonably necessary to minimize the discharge and transport of pollutants.~~

~~(d)~~ (e) Compliance with General **Storm Water NPDES** Permits.

~~Each industrial discharger, associated with construction activity, or other discharger subject to any g~~General Stormwater **Water** NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the San Diego Regional Water Quality Control Board, ~~shall comply with~~ **BAT, BCT, and** all requirements of such permit; ~~which may include the General Industrial Stormwater Water Permit, the General Construction Activity Stormwater Permit, and/or the General Dewatering Permit.~~ **Those activities that have General Storm Water NPDES Permits shall submit their monitoring data and analytical evaluation/assessment to the City at the same time their reports are submitted to the Regional Water Quality Control Board.**

~~(e)~~ ~~Compliance with Best Management Practices.~~

~~Every person undertaking any activity or use of a premises which may cause or contribute to Stormwater pollution or contamination, Illegal Discharges, or Non-Stormwater Discharges shall comply with Best Management Practices guidelines or pollution control requirements as may be reasonably established by the Enforcement Official.——~~

**§43.03098     Containment and Notification of Spills**

Any person owning or occupying a premises who has knowledge of any significant release of Pollutants or Non-Stormwater **Water** from those premises which might enter the Stormwater **Water** Conveyance System shall immediately take all reasonable action to contain the release and minimize any Non-Stormwater **Water** Discharge. Such person shall notify the Enforcement Agency within 24 hours of the Non-Stormwater **Water** release.

**§43.03109     Stormwater **Water** Conveyance System Protection**

- (a) Every person owning or occupying property through which a natural watercourse of a Stormwater **Water** Conveyance System passes shall:
  - (1) Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, and other obstacles which would pollute, contaminate, or retard the flow of water through the Stormwater **Water** Conveyance System; and
  - (2) Maintain existing structures within or adjacent to such a watercourse so that those structures will not become a hazard to the use, function, or physical integrity of the Stormwater **Water** Conveyance System; and

- (3) ~~Not remove healthy bank vegetation beyond that reasonably necessary for maintenance, nor remove vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.~~
- (b) It is unlawful for any person to commit or cause to be committed any of the following acts, without a written permit from the Regional Water Quality Control Board:
- (1) through (2) - no changes made.
- ~~(3) Undertake developments within thirty feet of the center line of any watercourse or twenty feet of the top of a watercourse bank, whichever is the greater distance from the top of the bank~~
- (4) (3) Deposit or ~~plant~~ disposal of any Pollutant in a watercourse, or remove any material from a watercourse, including its banks.
- ~~(5) Construct, enlarge, change, or remove any structure in a watercourse.~~
- ~~(6) Place any loose or unconsolidated material along the side of a watercourse so close to its bank as to create a potential for those materials entering the watercourse.~~
- (c) All development and redevelopment activities shall comply with Chapter 14, Article 2, Division 1 (Grading Regulations) and Chapter 14, Article 2, Division 2 (Storm Water Runoff Control and Drainage Regulations).

**§43.03110 Enforcement Authority**

- (a) No changes made in this subsection.
- (b) No changes made in this subsection.

- (1) Sampling Authority: During any inspection, the Enforcement Official may take samples deemed necessary in order to implement and enforce the provisions of this Division. This may include the installation of sampling and metering devices on private property, or requiring the person owning or occupying the ~~p~~Premises to supply samples.
- (2) ~~Cease and Desist Orders~~ **Notice of Violation**: The Enforcement Official may issue an administrative order to any person owning or occupying a ~~p~~Premises to cease and desist all activities that may cause or contribute to a discharge in violation of this Division. This order may also require the responsible person to: (i) comply with the applicable provisions and policies that govern this Division; (ii) comply within the designated time frame for compliance; (iii) take appropriate remedial or preventative action to keep the violation from recurring.
- (3) ~~Notice to Clean and Abate: The Enforcement Official may issue administrative orders to any person owning or occupying a premises to clean up and abate any release of Pollutants on those premises which may result in a violation of this Division. The Enforcement Official may also order abatement of Pollutant storage practices which may reasonably result in such a violation.~~
- (~~4~~3) Monitoring and Mitigation: The Enforcement Official may require reasonable monitoring of discharges from any Premises to the Stormwater **Water** Conveyance System and shall have authority to

order the mitigation of circumstances which may result in Illegal Discharges to the ~~maximum extent practicable~~ **MEP**.

- (54) Stormwater **Water** Pollution Prevention Plan: The Enforcement Official shall have the authority to establish elements of a Stormwater **Water** Pollution Prevention Plan, and to require any business **activity** to adopt and implement such a Plan pursuant to **San Diego** Municipal Code section 43.0307~~(a)~~ **(b)**, as may be reasonably necessary to fulfill the purposes of this Division.
- (65) Employee Training Program: The Enforcement Official shall have the authority to establish the elements of an Employee Training Program, as may be necessary to fulfill the purposes of this Division, where such a Program has been required as an element of a Stormwater **Water** Pollution Prevention Plan.
- (76) Best Management Practices: The Enforcement Official may establish the requirements of ~~Best Management Practices~~ BMP for any ~~p~~Premises pursuant to **San Diego** Municipal Code section 43.0308~~7(e)~~ **(a)**.

**§43.03121 Enforcement Remedies**

- (a) It shall be unlawful for any person, corporation or association to violate the provisions and requirements of San Diego Municipal Code section 43.0301 through 43.0314~~3~~. Violations of these provisions can be prosecuted as misdemeanors subject to the penalties provided in San Diego Municipal

Code section 12.0201. The Enforcement Official alternatively can seek injunctive relief or civil penalties in the Superior Court pursuant to San Diego Municipal Code section 12.0202, or pursue any administrative remedy provided in San Diego Municipal Code Chapter I, Article 2, Divisions 3 through 10.

- (b) Administrative civil penalties assessed pursuant to San Diego Municipal Code Chapter I, Article 2, Division 8 for violations of any of the provisions and requirements of San Diego Municipal Code section 43.0301 through 43.0313 shall be assessed at a maximum rate of \$10,000 per day per violation. The maximum amount of civil penalties shall not exceed \$100,000 per parcel or structure for any related series of violations.
- (c) As part of any civil action filed pursuant to San Diego Municipal Code section 12.0202 to enforce any provision of San Diego Municipal Code section 43.0301 through 43.0313, a court may assess a maximum civil penalty of \$10,000 per day per violation.

**§43.03132 Remedies Not Exclusive**

No change in this subsection.

**§43.03143 Reporting and Review of Enforcement**

One year after the effective date of this Division, the City Manager shall promptly report to the Committee on Land Use and Housing on the status of the enforcement of this Division and the pattern and discharges to the Stormwater ~~Water~~ Conveyance System.

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*L/Heap/Ord/139 strikeouts 6-1-01*



ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN  
DIEGO AMENDING CHAPTER XIV, ARTICLE 2, DIVISION 1,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTIONS 142.0146 RELATING TO GRADING REGULATIONS.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter XIV, Article 2, Division 1, of the San Diego Municipal Code are  
hereby amended, by amending section 142.0146 to read as follows:

**§142.0101 Purpose of Grading Regulations**

No change in this subsection.

**§142.0102 When Grading Regulations Apply**

No change in this subsection.

**§142.0103 When a Permit Is Required for Grading**

No change in this subsection.

**§142.0130 Development Standards for Grading**

No change in this subsection.

**§142.0131 Geotechnical Report Requirements**

No change in this subsection.

**§142.0132 Uncontrolled Embankment Regulations**

No change in this subsection.

**§142.0133 Slope Gradient**

No change in this subsection.

**§142.0134 Retaining Walls and Structurally Enhanced Fill**

No change in this subsection.

**§142.0135 Grading Within the 100-year Floodplain**

No change in this subsection.

**§142.0144 Grading Within Environmentally Sensitive Lands**

No change in this subsection.

**§142.0145 Performance of Grading**

**§142.0146 Erosion and ~~Sedimentation~~ Siltation Control**

(a) No change in this subsection.

(b) *All development shall be conducted to prevent erosion and stop sediment from leaving the work site. The property owner is responsible to implement and maintain temporary and permanent erosion and sedimentation control measures to the satisfaction of* ~~For erosion and siltation control, the City Manager, may require temporary or permanent siltation basins, energy dissipaters, or other measures as field conditions warrant, whether or not such measures are a part of approved plans.~~ *The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include measures outlined in Chapter 14, Article 2, Division 2 (Storm Water Runoff Control and Drainage*

Regulations) that address the *development's* potential erosion and sedimentation impacts.

(c) No change in this subsection.

**§142.0147 Revegetation Requirements**

No change in this subsection.

**§142.0148 Protection of Adjacent Properties and Public Rights-of-Way**

No change in this subsection.

**§142.0149 Replacement for Damages**

No change in this subsection.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED:

By \_\_\_\_\_

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER XIV, ARTICLE 2, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 142.0146 RELATING TO DRAINAGE REGULATIONS.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter XIV, Article 2, Division 1, of the San Diego Municipal Code are hereby amended, by amending section 142.0146 to read as follows:

**Division 2: Storm Water Runoff Control and Drainage Regulations**

**§142.0201 Purpose of Drainage Regulations**

The purpose of this division is to regulate the *development* of, and impacts to, drainage facilities, **to limit water quality impacts from *development*, and** to minimize hazards due to *flooding* while minimizing the need for construction of *flood* control facilities, to minimize impacts to *environmentally sensitive lands*, to implement the provisions of federal and state regulations, and to protect the public health, safety, and welfare.

**§142.0202 When Drainage Regulations Apply**

No change in this subsection.

**§142.0210 Construction Standards**

All ~~storm water runoff control~~, drainage, and *flood* control facilities shall be constructed in accordance with standards established in the Land Development Manual, the Standard Specifications for Public Works, and any City-adopted supplements.

**§142.0220 Storm ~~Water Runoff~~ Management and Discharge Control**

- (a) All *development* shall comply with Municipal Code Chapter 4, Article 3 (Stormwater Management and Discharge Control).
- (b) All *development* shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include the following measures that address the *development's* potential erosion, sedimentation, and water pollution impacts.
  - (1) Erosion prevention.
  - (2) Sediment control.
  - (3) Phased *grading*.

- (4) Preservation of natural hydrologic features and riparian buffers and corridors.
  - (5) Slope stabilization methods including permanent and temporary revegetation as soon as feasible.
  - (6) Maintenance, monitoring, and revision of implemented measures.
  - (7) Retention of sediment and proper management of pollutants on site including treatment and disposal of hazardous materials.
  - (8) Additional measures during periods of inclement weather including heightened maintenance and management; limitations on types of *development* activities; and contingency plans for erosion, sedimentation, and water pollution control measure failure.
  - (9) Minimizing the area of disturbance to the site during construction.
  - (10) Incorporate site design and landscape features that maximize storm water infiltration.
- (c) All *development* shall be designed with features to insure that pollution and runoff shall be reduced to the maximum extent practicable after the *development* is completed.
- (d) All property owners that install measures to address a *development's* potential erosion, sedimentation, and water pollution impacts shall provide documentation that ongoing maintenance mechanisms are in place for these measures.

- (e) All projects that require a California National Pollution Discharge Elimination System (NPDES) Permit shall provide copies of an approved NPDES Permit prior to approval of any City construction permit.
- (f) Runoff control measures shall be selected, designed, installed, and maintained in accordance with guidelines contained in the “Reference Guide for Storm Water Best Management Practices,” dated July 2000, prepared by the City of Los Angeles Stormwater Management Division

**§142.0230 Development Within the 100-Year Floodplain**

No change in this subsection.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED:

By \_\_\_\_\_